

App. Serial No. 10/789,792
Atty. Docket No. R029 1370

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1.-40. Canceled

41. (Currently Amended) A carton and a plurality of generally cylindrical containers therein, the containers having at least one common diameter, and being arranged in at least a bottom row and a row immediately above the bottom row, the carton comprising:

a bottom panel;

a top panel;

a first side panel;

a second side panel;

a first end comprising at least one end flap;

a second end; and

a plurality of tear lines defining a dispenser flap, wherein the plurality of tear lines comprises:

a bottom tear line that extends at least partially across the first end and spaced from the bottom panel;

a first side tear line defining a first end retainer in the first end and extending diagonally through the first side panel adjacent to the top panel;

a second side tear line defining a second end retainer in the first end and extending diagonally through the second side panel adjacent to the top panel; and

a top tear line disposed in the top panel between the first and second side tear lines, wherein

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when the dispenser flap is removed it leaves a dispenser opening, the bottom tear line being spaced a distance from the bottom panel that is at least sufficient to restrain the containers in the bottom row from rolling out of the carton, [and]

the first and second end retainers extend into the first end at least a sufficient distance from the side panels to prevent the containers in the row immediately above the bottom row from rolling out of the carton, and

the bottom tear line is located at a distance from the bottom panel that is between one-third and two-thirds of the diameter.

42. (Currently Amended) ~~The carton of claim 41, wherein~~ A carton and a plurality of generally cylindrical containers therein, the containers having at least one common diameter, and being arranged in at least a bottom row and a row immediately above the bottom row, the carton comprising:

a bottom panel;

a top panel;

a first side panel;

a second side panel;

a first end comprising at least one end flap;

a second end; and

a plurality of tear lines defining a dispenser flap, wherein the plurality of tear lines comprises:

a bottom tear line that extends at least partially across the first end and spaced from the bottom panel;

a first side tear line defining a first end retainer in the first end and extending diagonally through the first side panel adjacent to the top panel;

a second side tear line defining a second end retainer in the first end and extending diagonally through the second side panel adjacent to the top panel; and

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a top tear line disposed in the top panel between the first and second side tear lines, wherein

when the dispenser flap is removed it leaves a dispenser opening, the bottom tear line being spaced a distance from the bottom panel that is at least sufficient to restrain the containers in the bottom row from rolling out of the carton.

the first and second end retainers extend into the first end at least a sufficient distance from the side panels to prevent the containers in the row immediately above the bottom row from rolling out of the carton, and

the first side tear line includes a first curved portion that in part defines the first end retainer.

43. (Previously Presented) The carton of claim 42, wherein the second side tear line includes a second curved portion that in part defines the second end retainer.

44. (Previously Presented) The carton of claim 43, wherein:

the first side tear line includes a first vertical portion that extends from the bottom tear line to the first curved portion; and

the second side tear line includes a second vertical portion that extends from the bottom tear line to the second curved portion.

45. (Previously Presented) The carton of claim 42, wherein the bottom tear line is located at a distance from the bottom panel that is between one-third and two-thirds of the diameter.

46. (Previously Presented) The carton of claim 42, wherein the at least one end flap comprises four flaps.

47. (Previously Presented) The carton of claim 42, further comprising a dispenser opening flap in the top panel that is foldably connected to the dispenser flap.

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48.-57. Canceled

58. (Previously Presented) The carton of claim 41, wherein the at least one end flap comprises four flaps.

59. (Previously Presented) The carton of claim 41, wherein the at least one end flap comprises:

- a bottom end flap foldably attached to the bottom panel;
- a top end flap foldably attached to the top panel;
- a first side end flap foldably attached to the first side panel; and
- a second side end flap foldably attached to the second side panel.

60. (Previously Presented) The carton of claim 59, wherein the bottom end flap has an end, with the bottom tear line being located in the side end flaps adjacent to the end of the bottom end flap.

61. (Previously Presented) The carton of claim 41, wherein the plurality of containers comprises twelve containers arranged in three rows with four containers in each row.

62. (Previously Presented) The carton of claim 41, further comprising a carrying handle.

63. (Previously Presented) The carton of claim 41, wherein the carton is constructed from paperboard.

64. (Currently Amended) A carton and a plurality of generally cylindrical containers therein, the containers having at least one common diameter, and being arranged

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in at least a bottom row and a row immediately above the bottom row, the carton comprising:

- a bottom panel;
- a top panel;
- a first side panel;
- a second side panel;
- a first end comprising at least one end flap;
- a second end; and
- a plurality of lines defining a dispenser flap, wherein the plurality of lines comprises:
 - a bottom fold line that extends at least partially across the first end generally parallel to the bottom panel;
 - a first side tear line defining a first end retainer in the first end and extending through the first side panel adjacent to the top panel;
 - a second side tear line defining a second end retainer in the first end and extending through the second side panel adjacent to the top panel; and
 - a top tear line disposed in the top panel between the first and second side tear lines, wherein
 - when the tear lines are torn the dispenser flap leaves a dispenser opening and the dispenser flap remains attached at the bottom fold line, the dispenser flap forming a basket for catching containers exiting the carton,
 - the bottom tear line is spaced a distance from the bottom panel that is at least sufficient to restrain the containers in the bottom row from rolling out of the carton, [and]
 - the first and second end retainers extend into the first end at least a sufficient distance from the side panels to prevent the containers in the row immediately above the bottom row from rolling out of the carton, and
 - the bottom tear line is located at a distance from the bottom panel that is between one-third and two-thirds of the diameter.

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65. (Currently Amended) ~~The carton of claim 64, wherein:~~ A carton and a plurality of generally cylindrical containers therein, the containers having at least one common diameter, and being arranged in at least a bottom row and a row immediately above the bottom row, the carton comprising:

a bottom panel;

a top panel;

a first side panel;

a second side panel;

a first end comprising at least one end flap;

a second end; and

a plurality of lines defining a dispenser flap, wherein the plurality of lines comprises:

a bottom fold line that extends at least partially across the first end generally parallel to the bottom panel;

a first side tear line defining a first end retainer in the first end and extending through the first side panel adjacent to the top panel;

a second side tear line defining a second end retainer in the first end and extending through the second side panel adjacent to the top panel; and

a top tear line disposed in the top panel between the first and second side tear lines, wherein

when the tear lines are torn the dispenser flap leaves a dispenser opening and the dispenser flap remains attached at the bottom fold line, the dispenser flap forming a basket for catching containers exiting the carton,

the bottom tear line is spaced a distance from the bottom panel that is at least sufficient to restrain the containers in the bottom row from rolling out of the carton,

the first and second end retainers extend into the first end at least a sufficient distance from the side panels to prevent the containers in the row immediately above the bottom row from rolling out of the carton,

the first side tear line includes a first curved portion that in part defines the first end retainer,[:] and

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the second side tear line includes a second curved portion that in part defines the second end retainer.

66. (Previously Presented) The carton of claim 65, wherein the bottom tear line is located at a distance from the bottom panel that is between one-third and two-thirds of the diameter.

67. (Previously Presented) The carton of claim 65, wherein the first end of the carton comprises four flaps.

68.-71. Canceled

72. (Previously Presented) The carton of claim 64, wherein:
the first side tear line extends diagonally through the first side panel and meets the top tear line; and
the second side tear line extends diagonally through the second side panel and meets the top tear line.

73. Canceled

74. (Previously Presented) The carton of claim 64, wherein the at least one end flap comprises:

- a bottom end flap foldably attached to the bottom panel;
- a top end flap foldably attached to the top panel;
- a first side end flap foldably attached to the first side panel; and
- a second side end flap foldably attached to the second side panel.

75. (Currently Amended) A carton and a plurality of containers therein, the containers having at least one common diameter, and being arranged in at least a bottom row and a row immediately above the bottom row, the carton comprising:

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a bottom panel;
a top panel;
a first side panel;
a second side panel;
a first end comprising a bottom end flap foldably attached to the bottom panel, a top end flap foldably attached to the top panel, a first side end flap foldably attached to the first side panel, and a second side end flap foldably attached to the second side panel;
a second end; and
a plurality of tear lines defining a dispenser flap, wherein the plurality of tear lines comprises:

a bottom tear line that extends at least partially across the first end generally parallel to the bottom panel, wherein the bottom tear line is spaced from and adjacent to an upper edge of the bottom end flap;

a first side tear line defining a first end retainer in the first end and extending through the first side panel adjacent to the top panel;

a second side tear line defining a second end retainer in the first end and extending through the second side panel adjacent to the top panel; and

a top tear line disposed in the top panel between the first and second side tear lines, wherein

when the dispenser flap is removed it leaves a dispenser opening, the bottom tear line being spaced a distance from the bottom panel that is at least sufficient to restrain the containers in the bottom row from rolling out, [and]

the first and second end retainers extend into the first end at least a sufficient distance from the side panels to prevent the containers in the row immediately above the bottom row from rolling out, and

the bottom tear line is located at a distance from the bottom panel that is between one-third and two-thirds of the diameter.

76. (Currently Amended) ~~The carton of claim 75, wherein:~~ A carton and a plurality of containers therein, the containers having at least one common diameter, and

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being arranged in at least a bottom row and a row immediately above the bottom row, the carton comprising:

a bottom panel;

a top panel;

a first side panel;

a second side panel;

a first end comprising a bottom end flap foldably attached to the bottom panel, a top end flap foldably attached to the top panel, a first side end flap foldably attached to the first side panel, and a second side end flap foldably attached to the second side panel;

a second end; and

a plurality of tear lines defining a dispenser flap, wherein the plurality of tear lines comprises:

a bottom tear line that extends at least partially across the first end generally parallel to the bottom panel, wherein the bottom tear line is spaced from and adjacent to an upper edge of the bottom end flap;

a first side tear line defining a first end retainer in the first end and extending through the first side panel adjacent to the top panel;

a second side tear line defining a second end retainer in the first end and extending through the second side panel adjacent to the top panel; and

a top tear line disposed in the top panel between the first and second side tear lines, wherein

when the dispenser flap is removed it leaves a dispenser opening, the bottom tear line being spaced a distance from the bottom panel that is at least sufficient to restrain the containers in the bottom row from rolling out,

the first and second end retainers extend into the first end at least a sufficient distance from the side panels to prevent the containers in the row immediately above the bottom row from rolling out,

the first side tear line includes a first curved portion that in part defines the first end retainer,[]

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the first side tear line extends diagonally through the first side panel₄ and

the second side tear line includes a second curved portion that in part defines the second end retainer.

77. (Previously Presented) The carton of claim 76, wherein the bottom tear line is located at a distance from the bottom panel that is between one-third and two-thirds of the diameter.

78.-81. Canceled